

Message Text

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PAGE 01 STATE 064205
ORIGIN DLOS-06

INFO OCT-01 EA-07 ISO-00 SAL-01 SS-15 OES-06 L-03
SSO-00 /039 R

DRAFTED BY D/LOS:GTAFT
APPROVED BY S/AR - AMBASSADOR RICHARDSON
D/LOS:FHODSOLL
EA/IMS/DKENNEY
S/S - MR.SEBASTIAN

-----231753Z 059040 /47

O 231716Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY JAKARTA IMMEDIATE

C O N F I D E N T I A L STATE 064205

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: LETTER FROM SECRETARY VANCE TO FOREIGN
MINISTER MALIK DATED MARCH 23, 1977

1. EMBASSY IS REQUESTED TO TRANSMIT FOLLOWING LETTER FROM
SECRETARY VANCE TO FOREIGN MINISTER MALIK IN ANTICIPATION
OF AMBASSADOR RICHARDSON'S VISIT TO JAKARTA MARCH 31/APRIL 1.
AMBASSADOR RICHARDSON WILL BRING SIGNED ORIGINAL LETTER WITH
HIM.

2. BEGIN TEXT:

-- DEAR MR. MINISTER:

-- MY GOVERNMENT ATTACHES GREAT IMPORTANCE TO THE LAW OF
THE SEA CONFERENCE, AND I WILL BE TAKING A VERY ACTIVE IN-
TEREST IN ITS WORK. AS WE HAVE STATED IN PREVIOUS CORRES-
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PONDENCE, WE SEEK A COMPREHENSIVE TREATY THAT EQUITABLY
ACCOMMODATES THE INTERESTS OF ALL NATIONS. WE VERY MUCH
APPRECIATE THAT YOUR COUNTRY HAS A SIMILAR VIEW OF THE CON-
FERENCE. IN RECOGNITION OF THE IMPORTANCE THAT WE ATTACH TO
THIS ENDEAVOR, AMBASSADOR ELLIOT RICHARDSON HAS BEEN
APPOINTED THE PRESIDENT'S SPECIAL REPRESENTATIVE FOR THE LAW
OF THE SEA NEGOTIATIONS AND HEAD OF THE UNITED STATES DELEGA-

TION.

-- WE HOPE THAT SIGNIFICANT PROGRESS WILL BE MADE AT THE FORTHCOMING SESSION OF THE CONFERENCE. WE ARE COMMITTED TO WORK DURING THIS INTERSESSIONAL PERIOD, BOTH AT HOME AND ABROAD, TO TRY TO SET THE STAGE TO BRING THE CONFERENCE TO A SUCCESSFUL CONCLUSION IN THE NEAR FUTURE. IN THIS REGARD, WE BELIEVE THAT THE RECENT MEETING ON DEEP SEABED MINING CONVENED BY MINISTER EVENSEN OF NORWAY IN GENEVA PROVIDED AN IMPORTANT OPPORTUNITY TO MAKE PROGRESS ON THE SYSTEM OF EXPLOITATION OF THE RESOURCES OF THE DEEP SEABED. IN GENEVA AMBASSADOR RICHARDSON HELD MOST USEFUL DISCUSSIONS WITH YOUR DISTINGUISHED MINISTER OF JUSTICE. WE ARE PLEASED THAT YOUR GOVERNMENT HAS PLAYED A CONSTRUCTIVE ROLE IN SEARCHING FOR SOLUTIONS TO THIS MOST DIFFICULT PROBLEM, AND I HOPE WE CAN AVOID UNNECESSARY DIFFICULTIES BETWEEN US ON THE QUESTION OF PRODUCTION LIMITATIONS.

-- MY GOVERNMENT UNDERSTANDS THE IMPORTANCE THAT YOUR GOVERNMENT ATTACHES TO GAINING INTERNATIONAL SUPPORT FOR, AND RECOGNITION OF, THE ARCHIPELAGO PRINCIPLE AS IT WOULD APPLY TO CERTAIN ISLAND NATIONS. I AM SURE THAT YOU WILL APPRECIATE THE SIGNIFICANCE OF OUR WILLINGNESS TO ACCEPT INCLUSION OF SUCH A CONCEPT IN AN OVERALL LAW OF THE SEA TREATY, THEREBY ACCEPTING SOVEREIGNTY OVER A BROAD EXPANSE OF THE OCEANS, COUPLED WITH ADEQUATE PROTECTION IN THAT TREATY FOR NAVIGATION AND OVERFLIGHT. WE WOULD NOTE THE SIGNIFICANT PROGRESS THAT HAS BEEN MADE DURING OUR CONSULTATIONS DURING THE PAST FOUR YEARS. INDEED, MUCH OF THAT PROGRESS IS REFLECTED IN THE REVISED SINGLE NEGOTIATING TEXT. OUR CONFIDENTIAL

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UNDERSTANDING REMAINS THAT, AS PART OF THIS APPROACH, INDONESIA WILL ALSO SUPPORT PROVISIONS FOR UNIMPEDED TRANSIT THROUGH, OVER AND UNDER STRAITS USED FOR INTERNATIONAL NAVIGATION AS SET FORTH IN THAT TEXT.

-- WE ARE PARTICULARLY MINDFUL OF YOUR CONCERN REGARDING FUTURE RECOGNITION OF YOUR SOVEREIGNTY WITHIN ANY ARCHIPELAGO THAT MAY BE AGREED TO AT THE LAW OF THE SEA CONFERENCE. AS YOU KNOW, AMBASSADOR RICHARDSON WILL LEAD A DELEGATION TO JAKARTA ON MARCH 31 AND APRIL 1 FOR THE PURPOSE OF REACHING AGREEMENT ON THE ARCHIPELAGO ISSUE. I HAVE ASKED HIM TO BE PREPARED TO NEGOTIATE AN AXIS CONCEPT IN LIEU OF CORRIDORS, ALONG WHICH ARCHIPELAGIC SEALANE PASSAGE WILL BE CONDUCTED. THUS, ARCHIPELAGIC PASSAGE WOULD BE CONDUCTED WITHIN A SPECIFIED DISTANCE OF BOTH SIDES OF AXES, WHICH COULD BE APPROPRIATELY PUBLISHED AS POINTS OF LATITUDE AND LONGITUDE. THIS SHOULD AVOID THE APPEARANCE OF DIVIDING THE ARCHIPELAGO, WHICH WE UNDERSTAND IS A MAJOR CONCERN OF YOURS. WE WOULD HOPE OUR

WILLINGNESS TO PURSUE THIS APPROACH WILL MAKE IT EASIER
FOR YOUR GOVERNMENT TO AGREE ON AN APPROPRIATE BREADTH OF

THE AREA IN WHICH ARCHIPELAGIC SEALANE PASSAGE CAN BE
EXERCISED. IN THIS WAY, I AM CONFIDENT THAT WE MAY REACH
AN EQUITABLE ACCOMMODATION.

-- WE PLACE GREAT IMPORTANCE ON THE LAW OF THE SEA CONFER-
ENCE, WHICH WE BELIEVE WILL BE OF BENEFIT TO ALL MANKIND.
WE LOOK FORWARD TO OUR FURTHER COOPERATION IN DEVELOPING
A LEGAL FRAMEWORK, WHICH IS RATIONAL AND EQUITABLE AND
WHICH WILL HELP IN AVOIDING CONFLICTS BETWEEN NATIONS.

-- SINCERELY, CYRUS VANCE.

END TEXT.

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3. AMBASSADOR IS REQUESTED PERSONALLY TO GIVE COURTESY
COPY TO MINISTER MOCHTAR, ASSURE HIM THAT WE APPRECIATE
HIS KEY ROLE ON LOS MATTERS, AND THAT AMBASSADOR RICHARDSON
LOOKS FORWARD TO MEETING WITH HIM NEXT WEEK FOR THE PURPOSE
OF REACHING AGREEMENT ON THE ARCHIPELAGIC ISSUE. IF
APPROPRIATE, MOCHTAR SHOULD BE ASSURED NO SLIGHT INTENDED
BY ADDRESSING LETTER TO MALIK, BUT THAT HE SHOULD
APPRECIATE PROTOCOL CONSIDERATIONS.

VANCE

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